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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,576	06/25/2003	Michael J. Hier	1-73893	3331

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EXAMINER

DUNN, DAVID R

ART UNIT PAPER NUMBER

3616

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,576

Applicant(s)

HIER ET AL.

Examiner

David Dunn

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9-11, 14, 17-19, 21, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-11, 14, 17-19, 21, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>12/21/05</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This Office Action is responsive to the Remarks filed December 21, 2005.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9-11, 14, 17-19, 21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yves (FR 2 704 510) in view of Stuckle (DE 196 26 903).

Yves discloses a cross beam assembly (see Figures 5 & 6) comprising: an airbag (15); a beam (12); an inflator (13) disposed within the interior of the beam, wherein the inflator assembly is integrally formed in the beam such that a portion of the beam defines walls of the inflator (see Figure 6); and a chute (14) connected to the beam, the chute having a passageway in communication with an opening (16) in the beam. A pair of walls (17, 18) are disposed in the beam for housing the source of pressurized gas. Yves shows a door for covering the air bag (see Figure 3).

Yves fails to show the air bag being disposed in the chute.

Stuckle shows a cross beam assembly with an inflator (13) disposed within the beam (4); wherein a chute (5; see Figure 2) is connected to the beam, and the air bag (14) is disposed within the chute when in the folded condition.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yves with the teachings of Stuckle to dispose the air bag within the chute when folded in order to better protect the air bag.

Regarding claims 3, 4, and 24, Yves shows a strengthening sleeve in Figure 4 about the inflator assembly and beam; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the embodiment of Figure 6 to provide a strengthening sleeve to further strengthen the cross beam.

Regarding claim 10, Yves shows side walls being attached by a crimp in Figure 4; it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the embodiment of Figure 6 to provide the beam with a crimp in order to better hold the side walls. Regarding claim 11, the side walls are not clearly shown with a weld, however the chute is shown being attached to the beam with welding marks, and it is also noted that welding is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yves to attach the side walls with a weld in order to more securely hold the walls in place. Regarding claims 18 and 21, Yves shows a chute integrally formed with a door (see Figure 3); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the embodiment of Figure 5 to provide the chute with an integrally formed door to better secure the module in one piece.

Response to Arguments

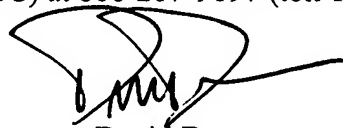
3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn
Primary Examiner
Art Unit 3616